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BY ECF

April 9, 2014

The Honorable John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Agron Hasbajrami*
Criminal Docket No. 11-cr-623 (JG)
Civil Docket No. 13-cv-6852 (JG)

Dear Judge Gleeson:

I write to provide the Court with an update on the status of the two cases referenced above.

On February 24, 2014, the government sent the defendant, Agron Hasbajrami, a letter supplementing their original Foreign Intelligence Surveillance Act (“FISA”) notice, which was filed on September 13, 2011. The supplemental notice informed the defendant that, “pursuant to 50 U.S.C. §§ 1806(c) and 1881e(a), the government intended to offer into evidence or otherwise use or disclose in proceedings in the above-captioned matter information derived from acquisition of foreign intelligence information conducted pursuant to the Foreign Intelligence Surveillance Act of 1978.” The letter/notice also advised Mr. Hasbajrami that the decision to provide him with additional disclosure was “based on a recent determination by the government that certain evidence or information obtained or derived from Title I and Title III FISA collection in this case was itself also derived from other collection pursuant to Title VII of FISA as to which [he was] aggrieved.”

Since our last update, the parties continued to hold informal meetings to determine any areas of agreement that might exist in an effort to avoid unnecessarily complicating the litigation in this case. However, it does not appear that there is any realistic likelihood that we will find the common ground necessary to do so. The defense has demanded immediate disclosure of broad and specific discovery and the government continues to take the

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position that no further disclosure is required and that the government statutory obligations have been satisfied.

Under the circumstances, the parties propose the following schedule:

- Written discovery demands, both broad and specific, to be submitted on or before April 25, 2014;
- Government's compliance or refusal, setting forth the basis of that refusal, to be filed on or before May 22, 2014;
- Defense motion to compel on or before June 25, 2014;
- Government response to motion to compel on or before July 25, 2014;
- Status conference/oral argument to be schedule by the Court.

It is our understanding that, in the government's response to our written discovery demands, the government may raise other issues relating to the finality of the plea. In any event, I have discussed this request with Mr. DuCharme and he advises me that the government joins. Accordingly, we respectfully request that the proposed scheduling order be adopted by the Court

I trust that this is satisfactory.

Thank you for your consideration in this matter.

Respectfully submitted,

Steve Zissou

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cc: AUSA Seth DuCharme (by ECF)